

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ASA HARRIS,

Defendant.

Case No.: CR18-131 RAJ

ORDER GRANTING MOTION
TO CONTINUE TRIAL DATE

THIS MATTER comes before the Court on the motion of Defendant Asa Harris to continue the trial date and other deadlines in this matter. The government joins in this motion.

Most of the defendants in this and the related matters were arrested on June 6, 2018, and had their initial appearance and arraignment that same day. As noted by Mr. Harris in his motion, he was arrested sometime later, and did not have his initial appearance and arraignment until July 27, 2018.

The Court previously held a status conference on a stipulated motion to continue all of the related cases in this matter that was endorsed by an overwhelming majority of the defendants charged in these matters (including this case, Dkt. # 303). Mr. Harris and his counsel were present for the hearing, but were too new to the case to have formulated a position on the continuance.

1 At the status conference, the Court heard from the government and from the
2 minority of defendants who either objected to any continuance, or wanted a shorter
3 continuance. Having heard those arguments and reviewed the stipulated motion, the
4 Court overruled the objections and continued the trial date to May 6, 2019.

5 Mr. Harris now seeks to join in the previously-filed stipulation and agrees to a
6 continuance to May 6, 2019. The court finds that the facts and legal bases supporting
7 that request apply equally to this Defendant. Indeed, his need for a continuance is
8 arguably more acute, as he received the initial discovery almost five weeks later than
9 the other defendants in this matter. Accordingly,

10 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
11 3161(h)(7)(B)(i) and (ii), that this case is the case is sufficiently unusual and complex,
12 due the combination of the number of defendants, the nature of the prosecution, as well
13 as the existence of novel questions of fact, that it is unreasonable to expect adequate
14 preparation by the parties for pretrial proceedings or for the trial itself by the current trial
15 date, or for the immediate future.

16 THE COURT THEREFORE FINDS that failure to grant the continuance in this
17 case would likely make the continuation of these related proceedings impossible and
18 result in a miscarriage of justice, because failing to continue this matter for a considerable
19 period of time would deny counsel for the parties the reasonable time necessary for
20 effective preparation, due to defense counsels' need for more time to review the
21 considerable volume of discovery and evidence produced, and still to be produced, and to
22 consider possible defenses and motions, taking into account the exercise of due diligence.

23 THE COURT FINDS, in light of these factors, that it is unlikely that the parties
24 can be reasonably ready to try this matter before May 6, 2019, at the earliest.

25 THIS COURT FINDS, pursuant to Title 18, United States Code, Section
26 3161(h)(6) and (7), that this is a reasonable period of delay in that Defendant Harris has
27 indicated he requires more time to prepare for trial. The Court finds that given the
28 complexity of the case, the number of defendants, and the volume of discovery produced,
and still to be produced, that more time is, in fact, necessary.

1 THIS COURT FINDS, therefore, that pursuant to Title 18, United States Code,
2 Sections 3161(h)(6) and 3161(h)(7), the ends of justice will best be served by a
3 continuance, and that they outweigh the interests of the public and the Defendant in a
4 speedy trial.

5 THIS COURT FURTHER FINDS that all of the additional time requested
6 between the current trial date of and the new trial date of May 6, 2019, is necessary to
7 provide counsel for the Defendant the reasonable time necessary to prepare for trial.

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the parties' Stipulated
9 Motion to Continue Trial Date (Dkt. #353) is GRANTED. The trial date is continued as
10 to Mr. Harris in the case captioned above until May 6, 2019 at 9:00 a.m.

11 IT IS FURTHER ORDERED that the parties shall work on preparing a complex
12 case management order for submission to the Court, setting forth motion deadlines and
13 other matters as discussed on the record in the status conference.

14 IT IS FURTHER ORDERED that the time between the date of this order and the
15 new trial date of May 6, 2019, is excluded in computing the time within which a trial
16 must be held pursuant to Title 18, United States Code, Section 3161, et seq.

17 DATED this 6th day of August, 2018.

18
19 

20 The Honorable Richard A. Jones
21 United States District Judge